

9652. - Hillside management and significant ecological areas—Purpose.

Natural hillside terrain dominate the landscape of a major portion of the city. Significant ecological areas (SEA) provide a unique resource. Together they provide an atmosphere and character that residents have expressed a desire to protect. Therefore, special regulations are hereby established that will protect these two (2) resources from incompatible development and preserve the natural terrain, quality environment, and aesthetic character while encouraging creative, innovative and safe residential development.

9652.5. - Policy.

Either a conditional use permit or an architectural review approval shall be obtained before the issuance of any building or grading permit, approval of minor land division or subdivision, importation of fill material for the purpose of altering natural terrain, or commencement of any construction or enlargement of any building or structure on any parcel that is in, or partly in, a hillside area or SEA. In addition to preserving the natural character of the hillsides and valleys within the City of Agoura Hills and ensuring the preservation of the scenic viewshed, hillside development regulations are designed to protect residents from geologic hazards, such as unstable soils and erosion, and the possible loss of life and destruction of property.

The intention and policy of the city is to:

1. Encourage minimal grading which relates to the natural contours of the land as opposed to padding or stairstep grading;
 2. Require the retention of trees and other vegetation which stabilize hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty, and, when necessary, require additional landscaping to promote the above;
 3. Require immediate planting whenever appropriate to maintain cut and fill slopes;
 4. Encourage a variety of building types and design to reduce grading and disturbance of the natural character of the area; and
 5. Require the retention of natural landmarks and prominent natural features which enhance the character of a specific area.
- A. *Permitted uses.* Subject to the provisions of site plan review, the following shall be permitted uses in hillside and significant ecological areas:
1. Accessory buildings and structures less than five hundred (500) square feet in gross floor area related to existing dwellings or commercial development;
 2. Other additions or modifications to existing structures provided said area does not exceed the lesser of seven hundred (700) square feet in gross floor area, or thirty (30) percent of the existing gross floor area and does not increase the number of families that can reside therein.

9652.10. - Same—Additional regulations.

Except as specified in section 9652.5, prior to the issuance of any building or grading permits, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel of land which is in or partly in an area designated in the general plan and related maps as a significant ecological area or within

a hillside area as defined herein, either a conditional use permit or architectural review approval shall be obtained as provided by this section. Development standards, lot size, height and setbacks may be modified by the planning commission in order to achieve the purposes of this chapter.

- A. A conditional use permit shall be required in the following cases:
 1. In hillside areas where the parcel of land contains an area of five (5) acres or greater;
 2. In hillside areas where the parcel of land contains an area of less than five (5) acres whenever the density or open space requirements of this section would prohibit the use of such parcel otherwise permitted by this chapter;
 3. In hillside areas whenever a major slope failure occurs on a developed parcel of land regardless of the size of such parcel; and
 4. In significant ecological areas regardless of the size of the parcel of land.
- B. Architectural review approval pursuant to sections of the Agoura Hills Municipal Code shall be required in hillside areas not subject to the requirement of a conditional use permit pursuant to subsection A, above.

9652.12. - Definition.

The following definitions shall be applicable in hillside and significant ecological areas:

- A. "Concave lot" shall mean a parcel of land with a bowl-shaped depression or formation in which the midpoint elevation of the property is lower than the average elevation of the property lines that are located adjacent to a street.
- B. "Hillside area" shall mean a parcel of land, not subject to recorded development restrictions, having an average slope before grading, of greater than ten (10) percent. The average slope of a parcel of land is the relationship between the change in elevation of the land and the horizontal distance over which that change in elevation occurs and shall be computed by the application of the following formula to a contour map of the natural slope of such land:

$$S = \frac{IL \times 100}{A}$$

When S =	Average percent slope
When I =	Contour line elevation interval in feet
When L =	Sum of the length of all contour lines across the parcel
When A =	Net area* of parcel in square feet

*The area of any existing private or public streets shall be excluded in calculating the net area of the property proposed for development.

In determining the average slope of property, property may be divided into smaller areas based upon percentage of slope and any areas with a percentage of slope greater than thirty-five (35) percent may be excluded before the average slope formula is applied. These excluded areas shall be designated as open space and not considered as a part of the development. If this approach is utilized, the dwelling density table may be applied to each of the designated smaller areas and the sum of the smaller areas shall be the designated density for the total property. A conditional use permit shall be required for this process to allow deletion, when appropriate of slope areas greater than thirty-five (35) percent from the average slope calculation. In reviewing the conditional use permit, the overall size of the property, viability, visual value, aesthetic value, location and any other relevant factors of the proposed open space area in relation to the adjacent open space areas shall be considered.

- C. "Major slope failure" means the movement of an existing slope that results in a hazard to an existing habitable structure as determined by the building official.
- D. "Natural slope" means the natural or existing contours of the land, including the natural or existing vegetation.
- E. "Recorded development restrictions" means a grant by an instrument whereby the owner relinquishes to the public, either in perpetuity or for a term of years, the right to construct improvements upon the land except as may be expressly reserved in the instrument and which contains covenants with the city, running with the land, either in perpetuity or for a term of (1) not to construct or permit the construction of any improvements, except as such right is expressly reserved in the instrument and except for public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the city council or the public utilities commission; and (2) against the extraction of natural resources or other activities which may destroy the unique physical and scenic characteristics of the land including but not limited to the cutting of trees and other natural growth, except as may be required for fire prevention, elimination of diseased growth and similar protective measures. Any subsequent reservation shall not permit any action which will materially impair the open space character of the land.

(Ord. No. 189, § 1, 7-17-91; Ord. No. 11-388, § 54, 12-14-2011)

9652.13. - General design and development standards.

Subject to the limitations of the underlying district, as it relates to potential uses and except as modified by the planning commission in a manner consistent with the purposes of this section, any development of a hillside area shall be in conformity with the following design and development standards:

- A. *Dwelling density.* The maximum number of dwelling units permitted on a parcel of land shall be determined according to the following table:

Percent Slope	Minimum Average Acreage per Dwelling Unit (in acres)
1. 10—15	0.50
2. 16—20	0.66
3. 21—25	1.00
4. 26—30	1.66

5. 31—35	2.50
6. 36—over	20.00

With respect to parcels of land five (5) acres or larger in size, the dwelling units shall be clustered on the flatter portions of such parcels when appropriate.

In the event that the foregoing density limitations would prohibit the use of a parcel of land otherwise permitted by this chapter, one (1) residential dwelling unit shall be permitted on such parcel provided that:

- (a) Such parcel was lawfully created prior to the adoption of this section; and
 - (b) A change in ownership of such parcel occurring after the adoption of this section has not resulted in such parcel no longer being considered part of a larger parcel of land under this chapter; and
 - (c) A private septic system will not be installed for any dwelling unit located on a parcel of land consisting of less than one (1) acre in area; and
 - (d) A conditional use permit authorizing such dwelling unit is granted in accordance with the requirements of this section.
- B. *Development area.* For properties zoned residential or open space, a minimum percentage of a parcel of land shall remain in open space. The minimum percentage shall be determined based upon the following table:

Percent Slope	Minimum Percent of Parcel to Remain in Open Space
1. 10—15	32.5
2. 16—20	47.5
3. 21—25	62.5
4. 26—30	77.5
5. 31—35	92.5
6. Greater than 35	97.5

In the event that the foregoing open space limitations would prohibit the use of a parcel of land otherwise permitted by this chapter, one (1) residential dwelling unit shall be permitted on such parcel provided that:

- (a) Such parcel was lawfully created prior to the adoption of this section;

- (b) A change in ownership occurring after the adoption of this section has not resulted in such parcel no longer being part of a larger parcel of land under this chapter;
- (c) A private septic system will not be installed for any dwelling unit located on a parcel of land consisting of less than one (1) acre in area;
- (d) A conditional use permit authorizing such dwelling unit is granted in accordance with the requirements of this section. The terms of such conditional use permit shall specify the minimum percent of required open space on such parcel of land.

For properties zoned commercial and business park, the maximum allowable floor area ratio (ratio of square footage of building floor to square footage of lot) shall be determined based on the following table:

Percent Slope	Maximum Floor Area Ratio
10-15%	0.25
15.10%	0.2492
15.20%	0.2484
15.30%	0.2476
15.40%	0.2468
15.50%	0.246
15.60%	0.2452
15.70%	0.2444
15.80%	0.2436
15.90%	0.2428
16%	0.242
16.10%	0.2412
16.20%	0.2404
16.30%	0.2396
16.40%	0.2388
16.50%	0.238

16.60%	0.2372
16.70%	0.2364
16.80%	0.2356
16.90%	0.2348
17%	0.234
17.10%	0.2332
17.20%	0.2324
17.30%	0.2316
17.40%	0.2308
17.50%	0.23
17.60%	0.2292
17.70%	0.2284
17.80%	0.2276
17.90%	0.2268
18%	0.226
18.10%	0.2252
18.20%	0.2244
18.30%	0.2236
18.40%	0.2228
18.50%	0.222
18.60%	0.2212
18.70%	0.2204

18.80%	0.2196
18.90%	0.2188
19%	0.218
19.10%	0.2172
19.20%	0.2164
19.30%	0.2156
19.40%	0.2148
19.50%	0.214
19.60%	0.2132
19.70%	0.2124
19.80%	0.2116
19.90%	0.2108
20%	0.21
20.10%	0.2094
20.20%	0.2088
20.30%	0.2082
20.40%	0.2076
20.50%	0.207
20.60%	0.2064
20.70%	0.2058
20.80%	0.2052
20.90%	0.2046

21%	0.204
21.10%	0.2034
21.20%	0.2028
21.30%	0.2022
21.40%	0.2016
21.50%	0.201
21.60%	0.2004
21.70%	0.1998
21.80%	0.1992
21.90%	0.1986
22%	0.198
22.10%	0.1974
22.20%	0.1968
22.30%	0.1962
22.40%	0.1956
22.50%	0.195
22.60%	0.1944
22.70%	0.1938
22.80%	0.1932
22.90%	0.1926
23%	0.192
23.10%	0.1914

23.20%	0.1908
23.30%	0.1902
23.40%	0.1896
23.50%	0.189
23.60%	0.1884
23.70%	0.1878
23.80%	0.1872
23.90%	0.1866
24%	0.186
24.10%	0.1854
24.20%	0.1848
24.30%	0.1842
24.40%	0.1836
24.50%	0.183
24.60%	0.1824
24.70%	0.1818
24.80%	0.1812
24.90%	0.1806
25%	0.18
25.10%	0.1774
25.20%	0.1788
25.30%	0.1782

25.40%	0.1776
25.50%	0.177
25.60%	0.1764
25.70%	0.1758
25.80%	0.1752
25.90%	0.1746
26%	0.174
26.10%	0.1734
26.20%	0.1728
26.30%	0.1722
26.40%	0.1716
26.50%	0.171
26.60%	0.1704
26.70%	0.1698
26.80%	0.1692
26.90%	0.1686
27%	0.168
27.10%	0.1674
27.20%	0.1668
27.30%	0.1662
27.40%	0.1656
27.50%	0.165

27.60%	0.1644
27.70%	0.1638
27.80%	0.1632
27.90%	0.1626
28%	0.162
28.10%	0.1614
28.20%	0.1608
28.30%	0.1602
28.40%	0.1596
28.50%	0.159
28.60%	0.1584
28.70%	0.1578
28.80%	0.1572
28.90%	0.1566
29%	0.156
29.10%	0.1554
29.20%	0.1548
29.30%	0.1542
29.40%	0.1536
29.50%	0.153
29.60%	0.1524
29.70%	0.1518

29.80%	0.1512
29.90%	0.1506
30%	0.15
30.10%	0.1494
30.20%	0.1488
30.30%	0.1482
30.40%	0.1476
30.50%	0.147
30.60%	0.1464
30.70%	0.1458
30.80%	0.1452
30.90%	0.1446
31%	0.144
31.10%	0.1434
31.20%	0.1428
31.30%	0.1422
31.40%	0.1416
31.50%	0.141
31.60%	0.1404
31.70%	0.1398
31.80%	0.1392
31.90%	0.1386

32%	0.138
32.10%	0.1374
32.20%	0.1368
32.30%	0.1362
32.40%	0.1356
32.50%	0.135
32.60%	0.1344
32.70%	0.1338
32.80%	0.1332
32.90%	0.1326
33%	0.132
33.10%	0.1314
33.20%	0.1308
33.30%	0.1302
33.40%	0.1296
33.50%	0.129
33.60%	0.1284
33.70%	0.1278
33.80%	0.1272
33.90%	0.1266
34%	0.126
34.10%	0.1254

34.20%	0.1248
34.30%	0.1242
34.40%	0.1236
34.50%	0.123
34.60%	0.1224
34.70%	0.1218
34.80%	0.1212
34.90%	0.1206
35%	0.12
>35%	0.08

Pre-graded pads that existed prior to January 1, 1999 shall be exempted from the above maximum allowable floor area ratio limitations. The director of planning and community development has the discretion to exclude concave lots with an average slope greater than ten (10) percent from the above maximum floor area ratio limitations.

C. *Circulation.*

1. Streets within any project proposed in a hillside area shall be designed and constructed to accomplish the following purposes:
 - (a) Minimize grading so as to compliment the natural features of the hillsides and reflect a rural rather than an urban character.
 - (b) Permit safe and efficient travel for motor vehicles, bicycles and pedestrians, and to provide access for emergency vehicles.
2. In order to accomplish the purposes of this subsection, all streets in a hillside area development shall be designed, where possible, to:
 - (a) Parallel the natural contours and natural grades of the land. Streets running perpendicular to the grade of the slope shall be avoided, when feasible, to reduce grading and aid in drainage. When streets must cut across grade contours, the principle of grading shall be half cut/half fill at locations not visible to a large area. Bridges shall be provided when streets must cross drainage ways and ravines of exceptional environmental setting.
 - (b) Use split level streets when access to abutting parcels of land is from other streets to avoid excess cut and fill and minimize scarring effects of hillside development.

- (c) Provide a minimum sight distance of one hundred fifty (150) feet for all horizontal and vertical curves. The minimum curve radius on residential streets shall be one hundred (100) feet. Reversed curves shall be connected with as practicable. All major streets shall be designed to incorporate curves greater than the minimum to provide traffic flow.
 - (d) Have a maximum centerline grade for streets of fifteen (15) percent except at intersections and areas of transition where the gradient shall be zero to two (2) percent. Maximum grade for major streets shall be less than twelve (12) percent. Changes in grade of more than five-tenths of one (1) percent shall be connected by vertical curves conforming to standard sight distances.
 - (e) Provide adequate private off-street parking to minimize the need for parking on narrow hillside streets. Parallel parking on the hillside streets may be eliminated in order to reduce road width in critical areas in which even parking spaces shall be provided in off-street bays at more suitable locations.
 - (f) Provide sidewalks and walkways in accordance with a pedestrian circulation plan that is not dependent upon and identical to the plan for vehicular circulation.
 - (g) Provide bicycle and equestrian trails where appropriate.
 - (h) Provide hillside public streets with street lighting designed to lessen the impact on views.
 - (i) Discourage the protrusion of streets on ridgelines.
- D. *View preservation.* View preservation shall take into consideration existing residences, views from scenic roadways, and the freeways. Such provisions as increased setbacks to minimize mass, utilizing natural earth and berms to reduce prominence in viewshed, and the retention of natural land form features shall be used. In addition, viewshed in a hillside area shall be protected by:
1. Facing dwelling units onto open, green or view areas;
 2. Locating dwelling units in such a manner as to avoid obstructing the view from other dwelling units;
 3. Locating structures with a minimum building setback of thirty (30) feet to the top of the slope, for properties zoned commercial or business park. Pre-graded pads which existed prior to January 1, 1999 shall be exempted from this provision.
- E. *Fire protection.* The following requirements shall apply in a hillside area:
1. Clearance of brush or vegetative growth from the vicinity of structures and roadways shall be in accordance with the Fire Code and approved by the city;
 2. Roofs shall be of fire retardant material in accordance with the requirements of the Building Code. Block walls or other fire resistant walls shall be constructed between a dwelling and any adjacent areas of known fire hazard such as open space areas;
 3. All easements for firebreaks shall be dedicated in writing for this purpose and recorded with the Los Angeles County recorder;
 4. Special design restrictions shall apply in brush fire areas where narrow canyons act as chimneys, funneling hot winds up the canyons to the ridge. Stilt and cantilevered structures proposed to be constructed on canyon slopes shall be discouraged. Any single-family residential dwelling built on a ridge at the top of such a canyon shall be set back thirty (30) feet from the slope of the canyon rim.
- F. *Erosion control.*
1. All manufactured slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty (30) days after completion of any grading. Such planting shall be designed to blend with the surrounding terrain and the character of development;

2. The face of cut and fill slopes shall be prepared and maintained by the developer so as to control erosion until the parcel of land is occupied. Such control measures may consist of effective planting or soil reinforcement. The slopes shall be installed as soon as practicable after the completion of any grading but in no event later than 10 days thereafter;
3. Other erosion devices, when necessary, such as check drains, debris basins, cribbing, or other devices or methods to control erosion and provide safety, shall be installed or implemented at the direction of the building official.

G. *Drainage control.*

1. All drainage and terracing in a hillside area shall meet or exceed the requirements of existing standards and codes;
2. Drainage devices shall be placed on graded slopes as inconspicuously as possible. In addition:
 - (a) Down drains shall be placed in swales;
 - (b) Sides of any drain which are visible from a public way shall be concealed as much as possible. Vegetation landscaping also shall be used, when feasible, to conceal drains and terraces;
 - (c) Concrete in any drain or terrace shall be tinted to blend with the landscape;
 - (d) Drain slope gradients may become steeper as the drain moves down the slope. However, all drain gradients shall be approved by the city;
 - (e) All drainage facilities shall be designed to carry water to the nearest practicable drainage way approved by the city;
 - (f) Erosion shall be prevented by installation of nonerosive down drains or other drain devices;
 - (g) Each building pad shall have a drainage gradient of at least two (2) percent toward the street or toward an approved engineered drainage facility;
 - (h) Interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area slopes toward the cut, and has a drainage path greater than forty (40) feet measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of reinforced concrete or gunite, be at least one (1) foot in depth and at least thirty (30) inches in width. All slopes of drain terraces and interceptor drains, shall be approved by the building official;
3. Streets and sidewalk drains shall be designed to contain and control the one-hundred-year frequency storm including debris production in accordance with the Los Angeles County flood control district design manual and to be usable during the maximum design storm. All developed properties shall drain toward the street or a storm drain;
4. Terracing for cut and fill slopes shall be in conformance with the provisions of the city's grading ordinances and the following:
 - (a) Terraces at least eight (8) feet wide shall be constructed on all cut and fill slopes that are twenty-five (25) feet or less in height, in order to control surface drainage and debris. Where only one (1) terrace is required, however, it shall be at midheight of the slope.
 - (b) If higher slopes are ever permitted by whatever method, the following shall be permitted: cut or fill slopes of greater than twenty-five (25) feet and less than one hundred (100) feet in vertical height shall be constructed with a minimum of one (1) terrace of not less than twelve (12) feet in width at midheight of the slope. The spacing and width of terraces on cut or fill slopes greater than one hundred (100) feet in height shall be designed by a civil engineer.

- (c) All swales or ditches located on a terrace shall be a minimum of one (1) foot in depth and a minimum of five and shall have a gradient of between four (4) percent and twelve (12) percent. Every swale and ditch shall be concrete not less than three (3) inches thick reinforced with six-inch by six-inch, ten-gauge welded wire fabric reinforcement.
 - (d) A single runoff swale or ditch shall not collect runoff from a contributing area in excess of thirteen thousand five hundred (13,500) square feet without discharge into a structured downdrain system.
 - (e) Subsurface drainage of cut and fill slopes shall be required if in the opinion of a geologist and/or soil engineer such drainage is necessary.
 - (f) Subdrains shall be designed and constructed when fill is to be placed in natural drainage courses or in other areas where seepage is evident.
- H. *Ridgelines.* The development of primary and secondary ridgelines as specified in the city's general plan shall be discouraged. This prohibition shall include, all buildings, solid fencing or walls, paved roads, exotic landscaping, water tanks, and the like which would noticeably detract from the natural skyline.
- I. *Building Design.*
- 1. Architectural enrichments and variations in roof massing are encouraged. Roofs shall minimize their visual impact by keeping a low profile and the roof pitch shall follow the slope of the hillside instead of being perpendicular to the hillside or opposing the hillside slope. Upper stories should not be cantilevered out in the opposite direction of the hillside slope.
 - 2. Avoid large expanses of a single material on walls, roofs, or paving areas. Create interesting, small scale patterns by breaking up building mass, varying building materials, and through design and placement of windows and doors.
 - 3. Provide architectural treatment to all sides of a structure. Elements of architectural treatment used on the front facade shall be repeated on all sides of a structure with additional emphasis on those elevations visible from adjacent properties or public rights-of-way.
 - 4. Building materials and color schemes shall blend with the natural landscape. Colors shall be earth tones and the specific hues shall be compatible with the surrounding natural environment.
- J. *Landscaping.*
- 1. Native or naturalized plants, or other plant species that blend naturally with the landscape shall be used.
 - 2. Natural landform planting shall be used to soften the impact of development and provide erosion control. These landscape techniques shall serve to reintroduce landscape patterns that occur in nature including concentrating trees and shrubs in concave areas while convex portions are planted mainly with ground cover.
 - 3. Trees and shrubs are to be arranged in informal masses and shall be placed selectively to reduce the scale of long, steep slopes.
 - 4. Berming shall be incorporated into the grading plans to help soften the appearance of buildings from public view.

(Ord. No. 99-293, § 2, 2-10-99; Ord. No. 11-388, § 55, 12-14-2011)

9652.14. - Contents of applications.

In addition to the normal application for a conditional use permit or architectural review, the following additional information shall be provided for such applications in hillside or SEA areas:

- A. Accurate topographic maps indicating the following:

1. Natural topographic features with an overlay of the proposed contours of the land after completion of the proposed grading;
 2. Existing land contours with a maximum five-foot contour interval and a slope analysis showing the following slope categories:
 - 10%—15%
 - 16%—20%
 - 21%—25%
 - 26%—30%
 - 31%—35%
 - 36% and over;
 3. Elevations of existing topographic features and the elevations of any proposed building pads, street centerlines and property corners;
 4. Locations and dimensions of all proposed cut and fill operations;
 5. Locations and details of existing and proposed drainage patterns, structures and retaining walls;
 6. Locations of disposal sites for excess or excavated material;
 7. Locations of existing trees, other significant vegetation and biological features;
 8. Locations of all significant geological features, including bluffs, ridgelines, cliffs, canyons, rock outcroppings, fault lines and waterfalls;
 9. Locations and sizes of proposed building areas and lot patterns;
 10. Any other information required by the director of community development.
- B. Site plans, architectural drawings, and colored renderings illustrating the following:
1. Architectural characteristics of proposed buildings;
 2. Vehicular and pedestrian circulation patterns, including street widths and grades and other easements of public rights-of-way;
 3. Utility lines and other service facilities, including water, gas, electricity and sewage lines;
 4. Landscaping, irrigation and exterior lighting plans;
 5. Locations and design of proposed fences, screens, enclosures and structures, including drainage facilities;
 6. Any other information required by the director of community development.
- C. Reports and surveys with recommendations from soil engineers and engineering geologists based upon surface and subsurface exploration stating land capabilities; including soil types, soil openings, hydrologic groups, slopes, runoff potential, percolation data, soil depth, erosion potential and natural drainage patterns.
- D. Archaeological studies in areas where existing evidence indicates that significant artifacts or historic sites are likely to be encountered in order to ensure that these artifacts and/or sites are not inadvertently destroyed.
- E. Additional information to include:
1. Average natural slope of the land;
 2. Acreage and square footage calculations;
 3. Ratio of structures to total land area;

4. Ratio of parking spaces to building square footage;
 5. Ratio of parking area to total land area;
 6. Ratio of open space to total land area;
 7. Description of maintenance program for proposed developments involving joint or common ownership;
 8. Any other specific information determined by the director of community development to be relevant to the applicant's proposal.
- F. In significant ecological areas, the following additional information:
1. Identification and location of the resources constituting the basis for classification of such area as a significant ecological area where not provided by the environmental assessment or the initial study for an environmental document;
 2. Proposed natural open areas, buffer areas, or other methods to be used to protect resource areas from the proposed use;
 3. Such other information as the director of community development determines to be necessary for adequate evaluation.

9652.15. - Required burden of proof.

The applicant for a conditional use permit required by this section shall have the burden of proving the following facts:

A. Hillside areas:

1. That the proposed project is located and designed so as to protect the safety of current and future community residents, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, mud flow, erosion hazards, or other hazards;
2. That the proposed project is compatible with the natural, biotic, cultural, scenic and open space resources of the area;
3. That the proposed project can be provided with essential public services and is consistent with the objectives and policies of the general plan; and
4. That the proposed development will complement the community character and benefit current and future community residents.

B. Significant ecological areas:

1. That the proposed project is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas;
2. That the proposed project is designed to maintain water bodies, watercourses, and their tributaries in a natural state;
3. That the proposed project is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;
4. That the proposed project retains sufficient natural vegetation cover and/or open spaces to buffer critical resource areas from such project;
5. That where necessary, fences or walls are provided to buffer important habitat areas from development; and
6. That roads and utilities serving the proposed project are located and designed so as not to conflict with critical resources, habitat areas or migratory paths.

9652.16. - Hearings.

A public hearing shall be held on all applications for a conditional use permit required by this section in accordance with the provisions of section 9804 et seq. Where a conditional use permit is filed and processed as a single application with a land division case, the public hearings on each matter shall be held concurrently.

9652.17. - Director's report.

In all cases where a public hearing is required, the director of community development shall prepare a report to the planning commission containing, but not limited to, the following:

- A. Review of the applicant's development proposal, including:
 - 1. Appraisal of measures proposed to avoid or mitigate identified natural hazards;
 - 2. Appraisal of measures taken to protect scenic, biotic and other resources;
 - 3. Recommended changes in the proposed development necessary or desirable to achieve compliance with the findings required by section 9652.15 A and B and the provisions of the general plan; and
 - 4. Recommended conditions to be imposed to ensure that the proposed development will be in accord with the findings required by section 9652.18 and the provisions of the general plan.
- B. In cases where the proposed development would impact significant ecological areas and where such information is not included in the environmental document, identification and location of the resources constituting the basis or classification of such area as a significant ecological area.
 - 1. The director, in developing such a report and recommendation, shall consult with appropriate agencies and shall compile the recommendations and comments of such agencies, including any recommendation of SEATAC.

9652.18. - Findings and decision.

The planning commission shall not approve an application for a conditional use permit required by this section unless it finds that the proposal is consistent with the general plan and further finds:

- A. In hillside areas:
 - 1. That the burden of proof set forth in section 9652.15.A has been met by the applicant, and
 - 2. That the proposed development is consistent with the general design and construction standards provided in this section;
- B. In significant ecological areas, that the burden of proof set forth in section 9652.15.B, has been met by the applicant.

9652.19. - Conditions.

Every conditional use permit required by this section shall be subject to the following conditions. All of the following conditions shall be deemed to be conditions of every such conditional use permit regardless of whether such conditions are set forth expressly in the permit. The planning commission, in granting a conditional use permit under this section, may impose additional conditions, but may not change or modify any of the following conditions except as otherwise provided herein;

- A. *Hillside areas.*
 - 1. *Open space.* Open space shall comprise not less than the area determined by application of the table in subsection 9652.13.B. Subject to the approval of the commission, such open space may include one (1) or more of the following:

- a. Undisturbed natural areas;
 - b. Open space for passive recreation;
 - c. Private yards, provided that all construction rights will be dedicated;
 - d. Parks and open recreational areas;
 - e. Riding, hiking and bicycle trails;
 - f. Landscaped areas adjacent to streets and highways;
 - g. Greenbelts;
 - h. Areas graded for rounding of slopes to contour appearance; and
 - i. Such other areas as the commission deems appropriate.
2. *Landscaping.* A plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the commission.
 3. *Utilities.* Satisfactory evidence shall be produced that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development, including any necessary agreements to join any proposed assessment districts.
 4. *Residential density.* The commission shall designate the maximum number of dwelling units permitted in a residential development consistent with subsection 9652.13.A.
 5. *Architectural features.* Where not submitted to the commission as part of an application under this section, exterior elevation drawings indicating building heights and major architectural features shall be submitted to and approved by the planning commission prior to the issuance of any building permit.
- B. *Significant ecological areas.*
1. Any necessary conditions to guarantee that the proposed project is highly compatible with the biotic resources present;
 2. The preservation in a natural state of any designated watercourse;
 3. The provisions of all necessary measures to preserve in a natural state any designated wildlife movement corridors;
 4. Adequate provisions to buffer any development from any designated unique resource and/or habitat area; and
 5. Adequate requirements to prevent conflicts between any proposed roads or utilities and unique resources, habitat areas, or migratory paths.

(Ord. No. 11-388, § 56, 12-14-2011)